

DONALD B. THURSTON AND OTHER EMPLOYEES OF
THE FISH AND WILDLIFE SERVICE

JUNE 8, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the
following

REPORT

[To accompany S. 1409]

The Committee on the Judiciary, to which was referred the bill (S. 1409) for the relief of Donald B. Thurston and other employees of the Fish and Wildlife Service, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of this proposed legislation is to pay to Donald B. Thurston, \$276; Stuart L. Murrell, \$644; Jack W. Lentfer, \$330; and James A. Reeher, Jr., \$371.50, in full settlement of all claims against the Government as reimbursement for personal effects lost as a result of a boating accident on July 23, 1957, on the Yukon River, Alaska, while on official business.

STATEMENT

Donald B. Thurston, Stuart L. Murrell, Jack W. Lentfer, and James A. Reeher, Jr., were employees of the Fish and Wildlife Service, Department of the Interior, on July 23, 1957. On this date the claimants were traveling by water on the Yukon River between Fairbanks and Kwiguk, Alaska. The purpose of the trip was to deliver the boat and certain equipment to the mouth of the Yukon River for use in making stream surveys in that area. About 12 miles above

Marshall the boat was swamped at a point where the river was approximately 2 miles wide as a result of high waves caused by the wind blowing upstream. All occupants were rescued with the aid of native fishermen but the boat and its contents, including personal effects of the claimants, were lost.

No administrative remedies are available to reimburse the claimants for the value of the personal effects lost as a result of the accident.

Affidavits describing the nature of the personal property and the value of each item to the total amounts set forth in the proposed legislation have been submitted to this committee and retained in the files. To the best of their ability the responsible officials in the Department of the Interior have verified the character of the personal property lost and the values thereof.

This committee feels that it is only fair and right that these government employees be reimbursed for the value of their personal property which was lost through no fault of their own, and while they were engaged on official business for the U.S. Government. It is, therefore, recommended that S. 1409 be favorably considered, without amendment.

The communication from the Department of the Interior agreeing to the favorable disposition of these claims is attached hereto and made a part hereof.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 15, 1960.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR EASTLAND: Your committee has requested a report on S. 1409, a bill for the relief of Donald B. Thurston and other employees of the Fish and Wildlife Service. This bill would authorize the Secretary of the Treasury to pay to Mr. Donald B. Thurston, the sum of \$276; to Mr. Stuart L. Murrell, the sum of \$644; to Mr. Jack W. Lentfer, the sum of \$330; and to Mr. James A. Reeher, the sum of \$371.50; a total of \$1,621.50. These sums would be paid to such persons in settlement of their claims against the United States for personal effects lost as a result of a boating accident on the Yukon River, Alaska, while on official business for this Department.

We would be agreeable to such disposition of these claims as your committee may determine to be equitable.

All of the claimants were Government employees and were engaged in official business at the time of the boating accident that forms the basis for these claims. The accident occurred on July 23, 1957, about 12 miles above Marshall during a trip between Fairbanks and Kwiguk, Alaska. The purpose of the trip was to deliver the boat and equipment to the mouth of the Yukon River for use in making stream surveys in that area. The boat swamped at a point where the river was approximately 2 miles wide as a result of high waves caused by the wind blowing upstream. All occupants were rescued with the aid of native fishermen, but the boat and its contents, including the personal effects of the claimants, were lost.

A preliminary investigation of these claims discloses no evidence of any wrongful or negligent act, either direct or contributory, on the part of these claimants or of any other Government employee. Hence, there would appear no basis for a recovery under the provisions of the Federal Tort Claims Act (28 U.S.C. 2671). As no relief is administratively possible, it would serve no useful purpose to have the claimants exhaust administrative remedies under that act. We believe it would have been unreasonable to have required these claimants to have carried insurance since the rates would have been prohibitive.

We have been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Sincerely yours,

ROSS LEFFLER,
Assistant Secretary of the Interior.

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